

FILED
U.S. DISTRICT COURT
BRUNSWICK, GA.

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2006 NOV 28

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

JOSE M. CANDELARIO,

Petitioner,

vs.

JOSE VASQUEZ, Warden,

Respondent.

CIVIL ACTION NO.: CV206-093

ORDER

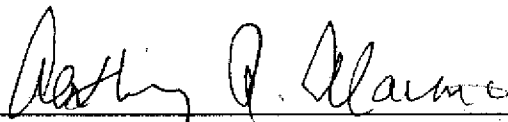
After an independent review of the record, this Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. In his objections, Petitioner contends that he has been deprived of his liberty interest in good time credit without being afforded due process of law. Petitioner reasserts the factual contentions of his § 2241 petition, namely that he was the victim of a fabricated investigation and that he was denied his right to call witnesses in his defense before the Discipline Hearing Officer ("DHO").

This court finds that Petitioner was afforded all the requirements of due process as articulated by the Supreme Court in Wolff v. McDonnell, 418 U.S. 539, 563-66, 94 S. Ct. 2963, 2978-80, 41 L. Ed. 2d 935 (1974). Petitioner received more than twenty-four hours notice of the DHO hearing, he was permitted to present evidence in his defense, and he received a written copy of the findings of the DHO. The fact that two out of four requested witnesses did not testify live but instead submitted written statements is merely a "mutual

accommodation between institutional needs and objectives and the provisions of the Constitution" Wolff, 418 U.S. at 556, 94 S. Ct. at 2974.

Petitioner's objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of this Court. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 27th day of November, 2006.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA